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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,981	07/10/2003	Raymond M. Lorenzato	RML-401	5978

7590 02/23/2006
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EXAMINER

PHAN, THANH S

ART UNIT	PAPER NUMBER
2841	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No. 10/618,981	Applicant(s) LORENZATO, RAYMOND M.	
	Examiner Thanh S. Phan	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) 18-21 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-17 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07/10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 1-17 in the reply filed on 01/06/06 is acknowledged. Since the applicant did not state an argument(s) regarding the election with traverse.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-10, 12-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata [US 2002/0009988].

Regarding claim 1, Murata discloses an apparatus [figure 1] comprising an electronic, preprogrammed device [3] which produces and broadcasts a signal [propitious information]. These signals cue the user by encouraging them to engage in an activity.

Regarding claims 4-6, Murata disclose wherein the devices [3] are mobile terminals.

Regarding claim 7, see claim 1.

Regarding claim 8, Murata disclose means to produce and broadcast sound in the device and means to synchronize the broadcast of said sound [audio information are outputted on a speaker of devices 3, such as sutra sound information in para [0071]].

Regarding claim 9, Murata discloses means produce images in the devices and means to synchronize the display of said image [graphical information are outputted on the devices 3, such as graphical information of figures 9-14].

Regarding claim 10, the method steps are inherent to the disclosed structural limitations, see claim 1.

Regarding claims 12-14, the method steps are inherent to the disclosed structural limitations, see claims 4-6.

Regarding claim 15, the method steps are inherent to the disclosed structural limitations, see claim 7.

Regarding claim 16, the method steps are inherent to the disclosed structural limitations, see claim 8.

Regarding claim 17, the method steps are inherent to the disclosed structural limitations, see claim 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murata in view of Howard et al. [US 2004/0264301].

Regarding claims 2-3, Murata disclose the claimed invention except for wherein the mobile terminals being watches.

Howard et al. disclose an apparatus [figure 1] comprises a plurality of portable terminals wherein on type of the terminal is in form of a watch.

It would have been obvious to one of ordinary skill in the art to incorporate the teachings of Howard et al. with Murata for the purpose of providing a smaller wearable information device.

Regarding claim 11, the method steps are necessitated by the disclosed apparatus structure, see claims 2-3.

Conclusion

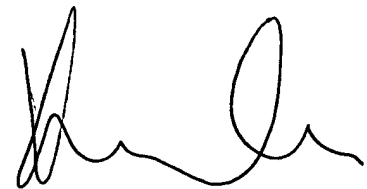
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gehlot [US 6,249,222]; Narayanaswami [US 6,556,222]; Birbach et al. [US 2003/0058752].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp



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